

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

EMPLOYERS MUTUAL CASUALTY	)	
COMPANY, an insurance company	)	
incorporated in the State of Iowa;	)	
	)	CIVIL ACTION NUMBER
Plaintiff,	)	
	)	2:05 -CV-01108-MEF
V.	)	
	)	
ARNBERG & ALLEN CONSTRUCTION,	)	
L.L.C.; STEPHEN D. ARNBERG,	)	
JIM ALLEN, MICHAEL O. LUNSFORD	)	
and DEBRA O. LUNSFORD.	)	
	)	
Defendants.	)	

**APPLICATION AND AFFIDAVIT FOR ENTRY OF DEFAULT**

Comes now the Plaintiff Employers Mutual Casualty Company (“EMCC”), by and through counsel, and pursuant to Rule 55 of the Federal Rules of Civil Procedure, hereby files this Application for Default against Defendant Stephen D. Arnberg in the above entitled action for failure to plead, answer or otherwise defend. As grounds in support of said motion, Plaintiff states the following and submits the attached affidavit as “Exhibit A”.

1. Stephen D. Arnberg was duly served with a copy of the summons, together with a copy of plaintiff’s complaint on December 2, 2005.
2. More than twenty (20) days have elapsed since the date on which this

defendant was served with summons and a copy of the complaint.

3. This defendant has failed to answer or otherwise defend as to plaintiff's complaint, or serve a copy of any answer or other defense which he might have upon the undersigned attorneys of record for the plaintiff.

WHEREFORE, premises considered, Plaintiff respectfully submits to the Clerk this Application for Default against defendant Stephen D. Arnberg and requests a finding that he is bound by the determination of this court concerning EMCC duties to defend and/or indemnify Stephen D. Arnberg, et al in the underlying action.

/s/James A. Kee, Jr. ASB-4314-e68j  
/s/Cynthia A. Martin ASB-2044-i49c  
Attorneys for Plaintiff Employers Mutual  
Casualty Company

OF COUNSEL:

KEE & SELBY, L.L.P.  
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Birmingham, Alabama 35243  
(205)968-9900 (phone)  
(205)968-9909 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that on February 13, 2006 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

Richard H. Allen  
CAPELL HOWARD, PC  
P.O. Box 2069  
Montgomery, Alabama 36102-2069

Robert Jackson Russell, Jr  
PARNELL & CRUM, PA  
P.O. Box 2189  
Montgomery, Alabama 36102-2189

I further certify that on February 13, 2006 I served a copy of the foregoing by placing a copy of same in the United States mail, postage prepaid to:

Stephen D. Arnberg  
9790 Highway 63 South  
Alexander City, Alabama 35010

/s/Cynthia A. Martin ASB-2044-i49c